

WA NO. 100123/2026 (LR)
C/w WA No. 100122/2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[PEERSAB S/O PEERSABMALAGI SINCE DECEASED BY
LRS VS. THE STATE OF KARNATAKA]

23.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD
and
HON'BLE MR JUSTICE SHIVASHANKAR
AMARANNAVAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Upon hearing Sri Ashok Haranhalli and Sri Jayakumar S. Patil, the learned Senior counsels for the contesting parties¹ and Sri Praveen K. Uppar, a learned Additional Government Advocate, who is called upon to accept notice for respondents No.1 and 2 in Writ Appeal No.100123/2026, this appeal [in W.A. No.100123/2026] and the other appeal in Writ Appeal No.100122 of 2026 are tagged and the common appellants' request for an interim order is considered by the following order:

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad Bench

¹ The appellants assert that they were tenants under the landlord Smt. Lingawwa represented by her G.P.A. Holder Sri A.B. Desai

2. Sri Ashok Haranahalli submits that the writ Court could not have rejected the appellants' writ petition in W.P. No.106511/2023 without examining whether the appellants were entitled to grant of occupancy rights for the land extent in their actual possession measuring 5 acres 11 guntas in R.S. No.17 of Hosaval Village, Dharwad Taluk and that the writ Court could not have rejected the petition only because the appellants [*in consonance with the Revenue Entries*] were seeking grant of occupancy rights for the entire extent notwithstanding the fact that they are in possession of 5 acres 11 guntas of land. Sri Jayakumar S. Patil submits that under no circumstance would the appellants be entitled for grant of occupancy rights even for the 5 acres and 11 guntas of land because those who claimed occupancy rights to this extent have already been granted such rights.

3. These rival submissions, when captured in brief, give the context for the dispute that survives for consideration in the appeal in Writ Appeal No.100123/2026. The other writ appeal in Writ Appeal No.100122/2026 is because the Karnataka Industrial Area Development Board [*KIADB*] has called upon the bankers of the contesting

respondents in Writ Appeal No.100122 of 2026 to freeze the account because of the controversy.

4. When queried, Sri Sagar Hedge, the learned Counsel on record for the common appellants, submits that his instructions are that because there was no stay during the pendency of the writ petitions, the contesting respondents in Writ Appeal No.100122/2026 have not been able to withdraw the amount transferred by the KIADB consequent to acquisition of the property.

5. The interim protection during the pendency of the appeal, with the acquisition of the subject land, must be to ensure that the amount is available for just orders if the appellants succeed in the afore appeals. Therefore, the interim order is granted directing the contesting respondents in Writ Appeal No.100122/2026 [*the respondent No.4 to respondent No.8 in this appeal*] not to withdraw the amount in their account with their Bankers [*the respondent No.2 and respondent No.3*] in Account No.265201000004244 without the express leave of this Court, if they have not withdrawn the amount.

6. However, as the appellants can confine the dispute to the compensation payable for 5 acres 11 guntas in R.S. No.17, the respondents No.4 to 8 in WA No.100122/2026 are reserved with liberty to make an application for leave to operate the account for the sums excluding the sum proportionate to 5 acres and 11 guntas.

There shall be emergent notice returnable by **17.06.2026** to the unserved respondents.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KMS
List No.: 2 Sl No.: 3